

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

_____)	
UNITED STATES OF AMERICA,)	
)	
v.)	CRIMINAL ACTION
)	NO. 04-1755-CBS
WALLSTEIN DWAYNE ALLEN, ET AL,)	
Defendants,)	
_____)	

ORDER ON THE GOVERNMENT'S MOTION FOR DETENTION

July 14, 2003

SWARTWOOD, M.J.

I. Nature Of The Offense And The Government's Motion

On June 7, 2004, a Criminal Complaint was filed, charging Wallstein Dwayne Allen ("Mr. Allen"), and others, with conspiracy to possess with intent to distribute cocaine, in violation of 21 U.S.C. §846 and attempting to possess cocaine with intent to distribute, in violation of 21 U.S.C. § 841(a)(1).

On June 7, 2004, Mr. Allen and his co-Defendants appeared before me for their initial appearance and were advised of their right to a preliminary examination in accordance with Fed. R. Crim. P. 5.1 and the Government moved for a detention hearing in accordance with 18 U.S.C. §§ 3142 (f)(1)(B)(the offense charged provides for a maximum penalty of life imprisonment,) (f)(1)(C)(Defendants are charged with an offense for which a maximum term of imprisonment of ten years or more is

prescribed in the "Controlled Substances Act") and (f)(2)(A) (risk of flight).

This matter was continued for a consolidated probable cause/detention hearing to July 12, 2004, and at that hearing, Mr. Allen waived his right to a probable cause hearing and assented to an Order of Detention, but reserved his right to a detention hearing in the future.

II. Order of Detention Pending Trial

In accordance with the foregoing memorandum,
IT IS ORDERED:

1. That Mr. Allen be committed to the custody of the Attorney General or his designated representative, for confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal;

2. That Mr. Allen be afforded a reasonable opportunity for private consultation with counsel; and

3. On order of a court of the United States or on request by an attorney for the Government, the person in charge of the corrections facility in which Mr. Allen is detained and confined shall deliver Mr. Allen to an authorized Deputy United States Marshal for the purpose of any appearance in connection with a court proceeding.

RIGHT OF APPEAL

THE PERSON OR PERSONS DETAINED BY THIS ORDER MAY FILE A MOTION
FOR REVOCATION OR AMENDMENT OF THE ORDER PURSUANT TO 18 U.S.C. §
3145 (b) .

/S/CHARLES B. SWARTWOOD, III
CHARLES B. SWARTWOOD, III
MAGISTRATE JUDGE